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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/217,117 12/21/98 NISHINA

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TM02/0830

EXAMINER

HAILU, T

ART UNIT

PAPER NUMBER

2173

DATE MAILED:

08/30/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/217,117

Applicant(s)
Yasutomo Nishina et al.

Examiner
Tad sse Hallu

Art Unit
2173



-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Jun 27, 2001
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 4-10, 12, and 16 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4-10, 12, and 16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirements.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☒ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☒ Certified copies of the priority documents have been received in Application No. 08/893,878.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 20) ☐ Other: _____

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

2. **Claims 1, 2, 4-10, 12 and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Knee et al. (5,589,892).**

The *present invention* related to an electrical program guide display control apparatus and method for managing displayed information.

Knee et al. ("Knee") relates to an electronic program schedule system, which provides the user on a television receiver.

Per claim 1:

As per "an apparatus for controlling display of an electrical program guide," *Knee* provides an apparatus for controlling electronic program guide (EPG) (see *Knee: fig. 1*), wherein the EPG system is provided with data feeds containing different types of information and selectable for display by the user on an on-demand basis.

as per "broadcast program information storage means for storing, as broadcast program information, the information relative to a number of broadcast programs extracted from

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predetermined positions of video signals;" *Knee*'s EPG system further provides storage for information obtained from received data feeds (broadcast program) (see *Knee*: col 6, lines 40-60, col 45, lines 8-17);

as per "recorded program information storage means for storing recorded program information which includes program name information and start time information of a number of broadcast programs previously stored in a recording medium;" *Knee* discloses a storage for program schedule information, wherein the program schedule information comprises an identification of teams (names) participating in a live sporting event and the channel on which the event is being broadcast including information identifying the title, time of said event (see *Knee*: col 36, lines 52-61, col 46, lines 46-55, col 48, 30-44); and

as per "a display control mean capable of displaying, simultaneously, as an electrical program guide to provide the program-related information, the program information relative to both of the broadcast programs and the recorded programs on the basis of the broadcast program information stored in said broadcast program information storage means and also the recorded program information stored in said recorded program information storage means whereby both broadcast program information and recorded program information are process able by a single electrical program guide function so as to enable a user to select for more than one program the broadcast information and recorded program information associated therewith by activating the desired single electrical program guide function only once." The electronic program guide of *Knee*'s further provides information from the stored program schedule information is combined

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with information obtained from received data feeds and displayed simultaneously (see Knee: col 6, lines 40-60). The program guide system also provides the capability of selecting from among several user-defined channel presentation sequences, which are activated using one of the three "check mark" icon keys 48A, 48B or 48C on the remote controller 40 shown in FIG. 4. (Col 27, line 56-col 28, line 5). Once a particular entry is selected, the electronic program guide connects the user to the selected service and passes control to the particular service application software, as shown in FIGS. 32-35.

Per claim 2:

As per "... said display control means is capable of displaying simultaneously as an electrical program guide, at least a program information area in the form of a window to display the program information, a command area in the form of a window to display items for selecting a manipulation command relative to said program guide, and an input area in the form of a window to display items for inputting a required parameter corresponding to the selected manipulation command." Knee's electronic program guide further provides information from the stored program schedule information is combined with information obtained from received data feeds and displayed simultaneously. Knee further provides selectable displayed items (such as menu items or commands) for input manipulation and processing (see Figs. 6-8).

Per claim 4:

Independent claim 4 is rejected for reasons similar to those given for the rejection of claim 1.

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Per claim 5:

dependent claim 5 is rejected for reasons similar to those given for the rejection of claim 2.

Per claim 6:

as per "...wherein said recorded program information stored in said recorded program information storage means includes the recording start positions of the broadcast programs in said recording media." Knee electronic program guide further provides recording time event (col 36, line 52-col 37, line 9).

Per claim 7:

as per "... wherein said display control means displays the program information relative to both of the broadcast programs and the recorded programs, in a manner to superimpose such information on a normal picture" Knee further discloses, among others, a window superimposed on the actual program signal (col 25, lines 33-55).

Per claim 8:

as per "..., wherein said display control means displays the program information relative to both of the broadcast programs and the recorded programs, in a manner to superimpose such information on a fixed picture." Knee further discloses, among others, a graphic overlay 51 containing programming information for the channel currently tuned on the tuner is superimposed in overlaying relationship with a received program signal (see col 14, lines 3-18).

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Per claim 9:

as per "..., wherein said display control means has a mode to display the program information relative to the broadcast programs, on the basis of the broadcast program information stored in said broadcast program storage means; and a mode to display the program information relative to the recorded programs on the basis of the recorded program information stored in said recorded program information storage means." Knees's EPG further provides the user with the ability to select from among a plurality of display formats for the program schedule information (see col 5, lines 1-7, col 9, lines 21-24, col 11, lines 32-48, col 12, lines 39-63, col 21, lines 21-35, col 29, lines 16-47, col 40, lines 10-27).

Per claim 10:

claim 10 recites a plurality display modes of program information. Knees's EPG further provides the user with the ability to select from among a plurality of display formats for the program schedule information (see col 5, lines 1-7, col 9, lines 21-24, col 11, lines 32-48, col 12, lines 39-63, col 21, lines 21-35, col 29, lines 16-47, col 40, lines 10-27).

Per claim 12:

as per "..., wherein said display control means displays the mode, which is currently set, in a portion of said program information area." Knees's EPG system further provides a flexible program schedule system that allows a user to view selected broadcast programs on a portion of the screen of the television receiver while simultaneously viewing

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program schedule information for other channels and/or services on another portion of the screen (col 4, lines 26-39, col 6, lines 1-28, col 15, lines 41-64).

Per claim 16:

as per “..., wherein said display means has a plurality of modes with regard to display of the command area, and displays command icons corresponding to each selected mode.”

Knees’s plurality of display formats further provides user selectable icons (such as check-mark icons 48a-c) col 6, lines 1-28, col 12, lines 39-63, col 29, 16-48).

Response to Arguments

3. Applicant's arguments filed 6/27/2001 have been fully considered but they are not persuasive.

Applicant argues that “Knee does not disclose the recorded program information storage means for storing recorded program information which includes program name information and start time information of a number of broadcast programs previously stored in a recorded medium.”

However, Knee does disclose a storage for program schedule information, wherein the program schedule information comprises an identification of teams (names) participating in a live sporting event and the channel on which the event is being broadcast including information identifying the title, time of said event (see *Knee*: col 36, lines 52-61, col 46, lines 46-55, col 48, 30-44).


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Conclusion

4. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to *Tadesse Hailu*, whose telephone number is (703) 306-2799. The Examiner can normally be reached on M-F from 9:00 - 5:30 ET. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, *John Cabeca*, can be reached at (703) 308-3116 Art Unit 2173 CPK 2-4A51

5. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Tadesse Hailu 23 August 2001


RAYMOND J. BAYERL
PRIMARY EXAMINER
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